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In the Matter of)	
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Amendment of Part 22 of the Commission’s)	
Rules To Benefit the Consumers of Air-)	WT Docket No. 03-103
Ground Telecommunications Services)	
)	
Biennial Regulatory Review – Amendment)	
of Parts 1, 22, and 90 of the Commission’s)	
Rules)	
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SkyTel has been a licensee under Part 22 in the domestic Air-Ground band of the FCC Rules and Regulations for more than 20 years. SkyTel currently provides this specialized communication service to uniquely equipped aircraft from 58 ground stations within the United States with more than a 60 percent coverage pattern. SkyTel holds more air-ground station licenses than all other licensees combined and has been an industry leader in this service for many years.

The Air-Ground Band Serves Critical Needs

The Air-Ground band is critical to the safety of aircraft operation. Pilots use these channels for, among other things, emergency communications. These channels are extremely valuable in emergency conditions because they are interconnected with the Public Switched Telephone Network (“PSTN”). While some larger aircraft may have additional radios that are interconnected with the PSTN, for many aircraft, the Air-Ground band is the plane’s only link to the telephone network. Other on-board radios are used exclusively for navigation or traditional Push-To-Talk (“PTT”) voice communications. If these aircraft experience mechanical difficulties while in flight, the operator can telephone the appropriate equipment vendor over the Air-Ground channels and troubleshoot the problem while in the air. Many pilots have come to rely on these radios for this purpose and will sometimes ground an aircraft if this radio is not working. Therefore, it is crucial that any change in the Commission’s Rules relating to this service is carefully considered.

The Form 409 Should Not Be Eliminated

The NPRM proposes the elimination of licensing of individual airborne mobile stations and therefore the elimination of the Form 409.² SkyTel believes that the elimination of airborne licensing would be a mistake. For one, there will be no means of knowing whether traffic is legitimate or from a rogue user on the system. Further, as the NPRM recognizes, the Air-Ground service differs from public land mobile services in that the mobile subscriber units are not

¹*In the Matter of Amendment of Part 22 of the Commission’s Rules To Benefit the Consumers of Air-Ground Telecommunications Services, Biennial Regulatory Review – Amendment of Parts 1, 22, and 90 of the Commission’s Rules*, Notice of Proposed Rulemaking, WT Docket No. 03-103 (rel. April 28, 2003) (“NPRM”).

² NPRM at para. 25.

associated with a single base station license.³ Rather, airborne station licenses “are not subject to the operational control of a single carrier in the way individual land mobile units are.”⁴ Since the airborne operators are not associated with a licensed terrestrial base station, there will be no way to determine who is operating on the system. Moreover, elimination of the registration requirement will leave one guessing as to the size and scope of the potential user base for any aircraft system, including the Air-Ground AGRAS system.

And even if there have been few problems with compliance thus far, that does not mean that the registration requirement is superfluous. Indeed, the fact that there have been *any* compliance problems at all – which is suggested by the NPRM⁵ – should underscore the need to continue the airborne licensing requirement.

Finally, SkyTel believes that the Form 409 is not overly burdensome. To begin with, the application consists of only 2 pages, most of which is address and contact information related. And the Form 409 instructions note that “[w]e have estimated that each response to this collection of information will take on average 5 minutes.”⁶ By way of contrast, the instructions for the Form 601 – a form used for licensing base stations – note “that each response to this collection of information will take on average 1.25 hours.”⁷ Additionally, the \$50 application fee associated with the Form 409 is not overly burdensome, especially in the context of aircraft operations.

³ *Id.* at para. 26.

⁴ *Id.*

⁵ NPRM at paras. 26-27.

⁶ FCC Form 409 Instructions at 1 (emphasis added).

⁷ FCC Form 601 Instructions at 1 (emphasis added).

The Idle Tone Rule Should Not Be Eliminated

The NPRM also proposes phasing out requirements for idle tone transmission.⁸ As the NPRM correctly highlights, the idle tone was originally used to assist manual Air-Ground users in locating available channels while in flight.⁹ However, these are not the only operators making use of the idle tone – the AGRAS system also uses it. In particular, the AGRAS network uses the idle tone to facilitate directing an originated aircraft telephone call to the correct channel while in flight. Consequently, the idle tone rule is not obsolete at this time. The rule should be kept intact so long as the AGRAS protocol is employed for Air-Ground service for General aviation.

The AGRAS Protocol Should Be Kept Intact

Paragraph 75 of the NPRM recognizes that the industry is developing new technology that may be superior to AGRAS and asks how the Commission can best facilitate implementation of such technical innovation.¹⁰ While the industry eagerly awaits the completion of this technical innovation, not all companies will be poised to immediately implement it when it arrives. Consequently, the AGRAS protocol must be kept intact. The Commission should also ensure that next generation technology used in the Air-Ground Service is implemented with backward compatibility with respect to AGRAS. Therefore, the Commission should not eliminate Section 22.819, but rather keep it in place with explicit reference to AGRAS. In this way, the Commission would protect owners of existing hardware and systems.

⁸ NPRM at para. 73.

⁹ *Id.*

¹⁰ *Id.* at para. 75.

Conclusion

For the reasons set forth above, SkyTel respectfully requests that the Commission adopt rules consistent with the above recommendations.

Respectfully submitted,

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